

Policy and Procedure for Uses and Disclosures of Protected Health Information for Involvement in the Patient's Care and for Notification Purposes

45 CFR 164.510(b)(1)-(3)

Do not delete this comment: IHS must promulgate a routine use to disclose PHI for Notification purposes without the patient consent.

PURPOSE: To establish a policy and procedure on uses and disclosures of protected health information (PHI) for involvement in the patient's care and for notification purposes.

POLICY: IHS may use and disclose to family members, relatives or close personal friend or any other person identified by the patient, PHI directly relevant to that person's involvement in the patient's health care or payment related to the patient's health care.

PROCEDURES:

1. **Notification:** IHS may use and disclose PHI to notify or assist in the notification of (including identifying or locating) a family member, personal representative, or another person responsible for the care of the patient, of the patient's location, general condition, or death.
2. **Uses and Disclosures when patient is present:** If the patient is present and/or available and can make health care decisions, IHS will release the information if it
 - obtains the patient's agreement;
 - provides the patient the opportunity to object to the disclosure, and the patient does not express an objection; or
 - reasonably infers from the circumstances, based upon the exercise of professional judgment that the patient does not object to the disclosure.
3. **Limited uses and disclosures when the patient is not present:** When the patient is not present or when opportunity to agree or object is not possible or practicable due to the patient's incapacity or emergency condition, the following procedures shall be used:
 - An IHS provider, using his or her professional judgment, may determine that the use or disclosure is in the best interests of the patient, and only use or disclose PHI that is directly relevant to the person's (family member, friend, spouse, legal representative, etc) involvement with the patient's health care.
 - An IHS provider, using his or her professional judgment and experience with common practice, may make inferences as to the patient's best interests and allow the patient's family member, legal representative, or authorized responsible person to pick up filled prescriptions, medical supplies, X-rays or other forms of PHI.
4. Verification of identity should be completed prior to disclosing PHI of a patient. For guidance, refer to the Policy and Procedure for Verification of Identity Prior to Disclosure of Protected Health Information.

5. Disclosures for notification purposes should be documented. Refer to the Policy and Procedure for Matters Related to Accountings of Disclosures of Protected Health Information.